

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I verily believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FAILOVER APPARATUS AND METHOD FOR AN
ASYNCHRONOUS DATA COMMUNICATION NETWORK**

the specification of which:

X is attached hereto.

— was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

| Country | Number | Date Filed | Priority Claimed |
|----------------|---------------|-------------------|-----------------------------|
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| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

I hereby claim the benefit under 35 U.S.C. § 120/365/119 and 37 CFR § 1.78 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status (patented, pending) |
|------------------------|-------------|----------------------------|
| 60/325,789 | 12/11/00 | Pending |
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I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: SHREEN K. DANAMRAJ, Reg. No. 41,696 and LAWRENCE R. YOUST, Reg. No. 38,795 of the firm of SMITH, DANAMRAJ & YOUST, P.C., 12900 Preston Road, Suite 1200, LB-15, Dallas, TX 75230-1320; V. LAWRENCE SEWELL, Reg. No. 22,753, CRAIG A. HOERSTEN, Reg. No. 38,917, RICHARD A. MYSЛИWIEC, Reg. No. 40,098, JESSICA W. SMITH, Reg. No. 39,884, and such other attorneys as associated with **CUSTOMER NUMBER 024587** of Alcatel USA, 1000 Coit Road, M/S LEGL2, Plano, Texas 75075.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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